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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT TACOMA

9 DOCINA R. ESPINO,

10 Plaintiff,

11 v.

12 MICHAEL ASTRUE, Commissioner of
13 Social Security,

14 Defendant.

15 CASE NO. C09-5262RBL

16 ORDER

17 The Court, having reviewed the record, does hereby find and ORDER:

18 (1) Plaintiff filed her Complaint on or about May 4, 2009. An Answer to the
19 Complaint has not been filed, and plaintiff's attorney, Jean C. Owen, as only recently been
20 granted leave to appear *pro hac vice*.

21 (2) Rule 4(m) of the Federal Rules of Civil Procedure requires a defendant to be
22 served within 120 days after the complaint is filed. Fed. R. Civ. P. Rule 4(m). Rule 4(l) requires
23 proof of service to be filed or made to the court. Fed. R. Civ. P. Rule 4(l). At this time the
24 record does not show that the complaint has been properly served.

25 (3) With regard to a social security complaint, Rule 4(i) requires plaintiff to serve a
26 summons and copy of complaint on the following entities: (a) the United States attorney for the
 district in which the action is brought or to an assistant United States attorney or clerical

1 employee designated by the United States attorney in a writing filed with the clerk of the court or
2 the civil process clerk at the office of the United States attorney; (b) the Attorney General of the
3 United States at Washington, District of Columbia; and (c) the officer or agency.

4 (4) Rule (4)(m) requires the court to provide notice to the plaintiff before the matter
5 can be dismissed for lack of prosecution under that rule, and Rule 4(i)(4) requires the court to
6 allow reasonable time for plaintiff to cure a failure to serve the multiple entities, if the plaintiff
7 has effected service on either the United States attorney or the Attorney General of the United
8 States.

9 (5) Accordingly, plaintiff is hereby notified that proof of service must be made to the
10 court **by not later than October 14, 2009**. Otherwise, the court will recommend dismissal of
11 this case for failure to prosecute the matter.

12 DATED this 28th day of September, 2009.
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15 J. Richard Creatura
16 United States Magistrate Judge
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